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4 ATTORNEYS FOR  
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7  
8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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11 In re: ) Case No. 01-55137-wsj  
12 SILICON VALLEY TELECOM ) CHAPTER 11  
EXCHANGE, LLC, )  
13 )  
14 Debtor. )  
15 )  
16 )  
17 )  
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18 **DECLARATION OF FRED D. RUBIO, II IN SUPPORT OF  
RENEWED APPLICATION FOR FINAL DECREE**

19 I, FRED D. RUBIO, II, declare:

20 1. I am: the managing member of Debtor Silicon Valley Telecom Exchange, LLC  
21 (“Debtor” or “Reorganized Debtor”); the managing member of Silicon Valley Telecom & Internet  
22 Exchange, LLC; and the president and sole shareholder of Rubio & Associates, Inc. (collectively  
23 “Plan Proponents”), the proponents of the Third Amended Joint Plan of Reorganization (“Plan”)  
24 for the reorganization of Debtor which was confirmed on August 24, 2007. I make this declaration  
25 in support of the application for final decree. If called as a witness, I would competently testify as  
26 follows:

27 2. Pursuant to their Plan, Plan Proponents, including Debtor, continue to pay Debtor’s  
28 secured debt obligation pursuant to the terms of the promissory note and Plan Proponents are

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DECLARATION OF FRED D. RUBIO, II, IN SUPPORT OF RENEWED APPLICATION FOR FINAL DECREE

1 obligated to make certain payments to Debtor's general unsecured creditors of monies from the  
2 settlement of Reorganized Debtor's claim against Enron Broadband Services, Inc. and net proceeds  
3 from the business operations of Plan Proponents. As of this date, the confirmed Plan has been  
4 substantially consummated, all secured creditors are being paid pursuant to the confirmed Plan,  
5 unsecured creditors have been paid all amounts received from Enron (it is unknown if there will be  
6 additional Enron claim distributions), and all motions, contested matters and adversary proceedings  
7 have been finally resolved.

8       3.     Plan Proponents have complied with the obligations of the confirmed Chapter 11 Plan  
9 and request that this Court enter a Final Decree in this case.

10 I declare under penalty of perjury that the foregoing is true and correct, and that this  
11 declaration was executed on September 16, 2009, at San Jose, California.

/s/ Fred D. Rubio, II

Fred D. Rubio, II